Xerox Docket No. D/99649

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Kristinn R. RZEPKOWSKI et al.

Application No.: 09/487,274

Filed: January 19, 2000

On Appeal from Group: 2179

Examiner: X. BAUTISTA

Docket No.: 104425

For: SYSTEMS, METHODS AND GRAPHICAL USER INTERFACES FOR PREVIEWING IMAGE CAPTURE DEVICE OUTPUT RESULTS

APPEAL BRIEF TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

      Attached hereto is our Brief on Appeal in the above-identified application.

      The Commissioner is hereby authorized to charge Deposit Account No. 24-0037 in the amount of Five Hundred Dollars ($500.00) in payment of the Brief fee under 37 CFR 1.17(f). In the event of any underpayment or overpayment, please debit or credit our Deposit Account No. 24-0037 as needed in order to effect proper filing of this Brief.

      For the convenience of the Finance Division, two additional copies of this transmittal letter are attached.

Respectfully submitted,

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Date: June 7, 2005

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        PREVIEWING IMAGE CAPTURE OUTPUT RESULTS

BRIEF ON APPEAL

Appeal from Group 2179

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I.   REAL PARTY IN INTEREST

The Real Party in Interest for this Appeal and the present application is Xerox

Corporation, by way of an assignment recorded in the U.S. Patent and Trademark Office at

Real 010548, Frame 0465.

II. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no pending or prior Appeals or Interferences, known to Appellants,

Appellants' representative or the assignee, that may be related to, or which will directly affect

or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

III.   STATUS OF CLAIMS

Claims 1-39 are pending, finally rejected and on appeal.

No claims are allowed, and no claims are objected to only for being dependent from a

rejected base claim, but are otherwise allowable.

No claims are withdrawn from consideration.

No claims are canceled.

IV.   STATUS OF AMENDMENTS

No Amendments have been filed subsequent to the close of prosecution by the

January 26, 2005 Final Office Action.

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V.   SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to an image capture device control system 600 for an image capture device 100 described in the specification at page 10, lines 10-18 and shown in Fig. 5. The control system 600 includes a controller 620 and a display device 680, both described at page 10, lines 3-9; page 11, lines 5-14 and shown in Fig. 5. The control system 600 displays a graphical user interface 400, described at page 12, lines 25-30 and Fig. 3, on the display device 680.

Independent claims 1 and 17 recite the graphical user interface 400 that includes a preview pane portion 480, described at page 13, lines 8-12. The portion 480 includes selection controls for a crop/frame marquee 484 and a scale marquee 486 associated with an image size tab 550. The marquees 484 and 486 are shown in Fig. 6 and respectively described at page 16, lines 3-7 and page 17, lines 8-13. The tab 550 is described at page 15, lines 22-26 and Fig. 7.

Dependent claims 2, 3, 18 and 19 recite the crop/frame marquee control section 484, which corresponds to a crop/frame portion 560 of the image size tab 550, described at page 18, lines 16-22 and shown in Fig. 6. The marquee 484 provides for selecting associated framing and cropping control parameters with scale-to and fit-to radio buttons 573, 576, respectively that are described at page 17, lines 3-7 and shown in Fig. 6.

Dependent claims 7, 9, 11, 14, 16, 25, 27, 30 and 32 recite the scale marquee control section 486, which corresponds to a reduce/enlarge portion 570 of the image size tab 550 for selecting associated scaling control parameters. The control section 486 is described at page 18, lines 23-30 and Fig. 6, while the portion 570 is described at page 17, lines 3-7 and Fig. 6.

Dependent claims 15 and 31 recite that the preview pane portion 480 also includes mimics for image orientation 488 and an image quality profile 489. The orientation 488 is

described at page 19 lines 13-15 and Fig. 6. The profile 489 is described at page 19, lines 21-25 and Fig. 6.

Independent claim 33 recites a method, shown in Figs. 8A-8C, for displaying visual cues indicating capture parameters without generating the captured image from an original document. The method includes operations for displaying a preview pane at step S110 in Fig. 8A, described at page 20, lines 20-24. The method includes operations for displaying within the preview pane an image quality profile mimic at step S260 in Fig. 8C, described at page 22, lines 4-5. The operations further include displaying at least one of a crop/frame marquee section control at step S140 in Fig. 8A described at page 20, lines 30-31, a scale marquee selection control at steps S190 or S230 in Fig. 8B described at page 21, lines 18-20 and 27-29, and an image orientation mimic at step S250 in Fig. 8C described at page 22, lines 1-4. All of these recited operations occur prior to scanning at step S270 and capturing the preview image at step S820 in Fig. 8C, described at page 22, lines 5-7.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

1) Claims 1, 2, 4-14, 16-18, 20-30 and 32-39 are rejected as anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 5,260,805 to Barrett;

2) Claims 3 and 19 are rejected as having been obvious under 35 U.S.C. §103(a) over Barrett in view of U.S. Patent No. 6,298,172 to Arney *et al.* ("Arney").

3) Claims 15 and 31 are rejected as having been obvious under 35 U.S.C. §103(a) over Barrett and Arney in view of U.S. Patent No. 6,317,141 to Pavley *et al.* ("Pavley").

VII.   ARGUMENT

A.   Claims 1, 2, 4-14, 16-18, 20-30 and 32-39 Are Not Anticipated By Barrett

The January 26, 2005 Final Office Action rejects claims 1, 2, 4-14, 16-18, 20-30 and

32-39 under 35 U.S.C. §102(b) over Barrett. Specifically, the January 26, 2005 Final Office

Action, at page 5 (¶3), asserts that:

> Barrett discloses an image capture control system having a
> controller that provides control parameters; the device is able to
> capture an image from an original document that provides an
> original image based on the provided parameters; a display device;
> and a graphical user interface including a preview pane portion that
> visually indicates features of a resulting captured image that will
> result upon generating a captured image without the device
> capturing the captured image (abstract; col. 8, lines 12-38, fig. 12).

Appellants respectfully disagree. A claim must be anticipated for a proper rejection

under §102(a), (b) and (e). This requirement is satisfied "only if each and every element as

set forth in the claim is found, either expressly or inherently described, in a single prior art

reference." See MPEP §2131. Appellants respectfully submit that the January 26, 2005 Final

Office Action does not satisfy this burden for rejecting the claims under §102 over Barrett.

1.   Claims 1 and 17

Claim 1 recites a image capture control system including a controller that provides

control parameters to the image capture device, the image capture device able to capture an

image, from an original document that provides an original image, based on the provided

control parameters, the control parameters including at least one image capture parameter, a

display device, and a graphical user interface displayable on the display device including a

preview pane portion that visually indicates at least one feature of a resulting captured image,

wherein the resulting captured image will result upon generating a captured image from the

original image using the at least one image capture parameter, and the preview pane portion

visually indicates the feature without the image capture device capturing the captured image.

Claim 17 recites a graphical user interface displayable on a display device of an image

capture control system for an image capture device, the image capture device able to capture

an image, from an original document that provides an original image, based on control

parameters, the control parameters including scale parameters, the graphical user interface

including a preview pane portion that visually indicates at least one feature of a resulting

captured image, wherein the resulting captured image will result upon generating a captured

image from the original image using the at least one image capture parameter, and the

preview pane portion visually indicates the at least one feature without the image capture

device capturing the captured image.

Appellants respectfully submit that Barrett fails to teach or suggest each of the

claimed features recited above. Barrett discloses a printing system 2 for comparing the

programmed size of an image to be printed with the maximum available size for any image.

In particular, Barrett teaches that the printing system 2 includes an image input section 4

having a document scanner section 6 for scanning documents 22, a controller section 7 and a

printer section 8. Barrett teaches the image input section 4 and a processor 25, the image

input section 4 having a document scanner section 6 for scanning documents 22, and the

processor 25 including a scanner system control 25a, an automatic gain control 25b to convert

analog image signals from the scanner section 6 into digital signals and a processor 25c. See

col. 3, lines 23-32, 53-57, 67 – col. 4, line 9 and Figs 2-3 of Barrett.

In addition, Barrett teaches using beams 94 to scan the documents 22 to form scanned

image data input to be compressed and processed at a processor 51 of an image input

controller 50. The image data are sent to the printer section 8 for printing before being

purged from memory 86. See col. 4, lines 17-24, 56-67, col. 5, 15-33, col. 6, lines 3-6 and

Fig. 2 of Barrett. A print image 200 is processed and displayed based on the programmed

selections. See col. 7, lines 34-43, col. 8, lines 19-21 and Fig. 12 of Barrett.

Also, Barrett teaches declaring a conflict for a programmed print image that exceeds the size of the maximum image allowed along one side. See col. 8, lines 30-63 and Fig. 12 of Barrett. The processed data may be returned to main memory 56, sent to a user interface 52 for display on a screen 62 or sent to an image output controller 60. See col. 5, lines 63-66 and Figs. 2-3 of Barrett.

Barrett further discloses displaying, on the screen 62, a job ticket 150 including a maximum size print image 200. Barrett provides a paper stock window 215, a sides & orientation window 220, a reduce/enlarge window 230 and a print window 240 in the scales 242 and 244. Barrett displays a conflict message when the final print image 200 is compared to the maximum image size and does not fit the confines of the paper stock. See col. 8, lines 1-3, 12-15, 33-38, 49-63 and Fig. 12 of Barrett.

In the response to arguments in the June 12, 2003 Amendment, the January 26, 2005 Final Office Action asserts, at page 2 (¶1A), that Barrett discloses an image capture control system having a controller that provides control parameters and a graphical user interface including a preview pane portion that visually indicates at least one feature of a resulting captured image without the image capture device capturing the image.

Appellants respectfully disagree and submit that Barrett teaches displaying the job ticket 150, the sides & orientation window 220 and the reduce/enlarge window 230 only after the document has been scanned and the image data have been processed, rather than before. Barrett teaches that the processors 25, 51 operate on the scanned image data. See col. 4, lines 2-8, col. 5, lines 25-33 of Barrett. Moreover, Barrett discloses that "a print window 240 is provided in which the print image 200 as currently programmed is displayed." See col. 8, lines 19-21 and Fig. 10 of Barrett. Consequently, Barrett cannot disclose, teach or suggest a preview pane portion without capturing the image, as recited in claims 1 and 17.

In addition, the January 26, 2005 Final Office Action, at page 3 (¶1B), in the

Response to Arguments, asserts that Barrett illustrates in a preview window a print image

indicating the size and orientation of an original image based on provided parameters,

implicitly corresponding to a prescan profile mimic. Appellants respectfully submit that

Barrett provides a window only after scanning (i.e., capturing) the document, instead of

showing a preview pane without capturing the image, because Barrett uses the image data to

provide the scanned information displayed on the screen 62. See col. 9, lines 15-25 and Fig.

12 of Barrett.

Contrary to arguments set forth in the January 26, 2005 Final Office Action,

Appellants respectfully submit that Barrett teaches a final print image 200 programmed

within the confines of the maximum image size of the system and provides a comparison of

the programmed image size in system image size window 245 and the maximum image

allowed in window 240. See col. 8, lines 44-63 and Fig. 12 of Barrett. Because this

operation is performed subsequent to image scanning, Barrett does not teach or suggest a

preview pane portion that visually indicates at least one feature of a resulting captured image

without the image capture device capturing the captured image, as recited in claims 1 and 17.

Thus, Appellants respectfully submit that Barrett fails to teach disclose or suggest

displaying a profile mimic without capturing a scanned image, as recited in claims 1 and 17.

By teaching scanning and compressing an image as scanned image data input, Barrett

inherently cannot teach or suggest a preview pane portion visibly indicating at least one

feature without the image capture device capturing the captured image, as recited in claims 1

and 17.

Accordingly, Barrett fails to disclose every feature of claims 1 and 17.

2.   Claims 2, 4-14, 16, 18, 20-30 and 32

Claims 2 and 18 recite, *inter alia*, that the preview pane portion includes "a crop/frame marquee section control that visually indicates a portion of the original image that will be captured as the captured image." Appellants respectfully submit that Barrett discloses a crop window 250 on a display screen 62 with crop icons 258-264, but fails to teach a crop/frame section control. See col. 9, lines 15-33 and Fig. 15 of Barrett. This applies by extension to claims 4-10 based on their dependence from claim 2 and to claims 20-26 based on their dependence from claim 18.

Claims 7, 9, 11, 25 and 27 recite, *inter alia*, that the preview pane portion includes "a scale marquee section control that visually indicates scaled dimensions of the captured image." Appellants respectfully submit that Barrett discloses a reduce/enlarge window 230 on the display screen 62, but fails to teach or suggest a scale marquee section. See col. 8, lines 12-15 and Figs. 11-14 of Barrett. This applies by extension to claims 12 and 13 based on their dependence from claim 11 and to claims 28 and 29 based on their dependence from claim 27.

Claims 14, 16, 30 and 32 recite, *inter alia*, that the preview pane portion includes "an image orientation mimic." Appellants respectfully submit that Barrett discloses a sides and orientation window 220 on the display screen 62 and a standard sharpness icon on a job ticket 150 for default selection, but fails to teach or suggest either the image orientation mimic or the image quality profile mimic for the image. See col. 8, lines 1-4 and Figs. 7 and 10 of Barrett.

Further, the arguments made above with respect to claims 1 and 17 apply by extension to claims 2, 4-14 and 16 based on their dependence from claim 1, and to claims 18, 20-30 and 32 based on their dependence from claim 17.

3.   Claims 33-39

Claim 33 recites a method for displaying visual cues indicating capture parameters for a captured image without generating the captured image from an original document that provides an original image including displaying a preview pane, and displaying within the preview pane, <u>without</u> the image capture device <u>capturing the captured image</u> an image quality profile mimic, and at least one of a crop/frame marquee selection control, a scale marquee selection control, and an image orientation mimic.

Appellants respectfully submit that Barrett fails to teach or suggest each of the features recited for claim 33. The teachings of Barrett are described above with respect to claims 1 and 17. In particular, Barrett fails to provide a <u>prescan</u> profile mimic for representing an image quality profile, as provided in claim 33. Further, the above reasons for claim 33 apply by extension to claims 34-39 based on their dependence from claim 33.

Accordingly, Barrett fails to disclose every feature of claims 33-39. Thus, the rejection of claims 33-39 under 35 U.S.C. §102(b) as anticipated by Barrett is improper and should be reversed.

4.   Conclusion

A claim must be anticipated for a proper rejection under §102(b). This requirement is satisfied "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP §2131. Appellants respectfully submit that, as demonstrated above, the January 26, 2005 Final Office Action does not satisfy this burden for rejecting the claims under §102(b) with Barrett.

Therefore, Appellants respectfully submit that the rejection of claims 1, 2, 4-14, 16-18, 20-30 and 32-39 under 35 U.S.C. §102(b) over Barrett is improper and should be withdrawn.

B.   Claims 3 and 19 Would Not Have Been Obvious Over Barrett in View of Arney

The January 26, 2005 Final Office Action rejects claims 3 and 19 under 35 U.S.C.

§103(a) over Barrett in view of Arney. Specifically, the January 26, 2005 Final Office Action

asserts, at page 8 (¶5), that Barrett discloses the invention substantially as claimed, except for

the specifics of a framed portion of the original image. However, the January 26, 2005 Final

Office Action asserts, at pages 8-9 (¶5), that Arney makes up for the deficiencies in Barrett by

disclosing a method for performing image-acquisition with a preview of the image (abstract,

col. 1, lines 10-14, col. 2, lines 13-34).

The January 26, 2005 Final Office Action asserts that Arney teaches a preview display

screen 10 to enable a user to determine whether the workpiece is positioned in the desired

orientation and shifts the display screen after the cover 56 is closed (col. 4, lines 46-49, 57-

59). The January 26, 2005 Final Office Action further asserts that it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

Barrett's teachings to include Arney's framed portion. Appellants respectfully disagree.

Claims 3 and 19 recite, *inter alia*, that "the portion of the original image indicated by

the crop/frame marquee selection control is a cropped portion of the original image." Barrett

and Arney each fail to disclose these features.

Arney does not compensate for the deficiencies of Barrett outlined above with respect

to claims 1 and 17. Arney also does not teach, disclose or suggest the additional features

recited in claims 3 and 19 of the crop/frame marquee section control indicating a cropped

portion of the original image. Arney discloses a preview display screen 10 visible to the user

when the platen cover 56 is closed. Activation of a control panel 32 enables a "snapshot"

image on the platen 52 to be transferred to the preview device screen 10. A camera 34, with a

lens 36, and a lightsource 38 in an image-processing system are moved with the image

acquisition device 70 to render the snapshot image. See col. 4, lines 46-60, col. 5, line 53 –

col. 6, line 8, col. 6, lines 27-34 and Fig. 1A of Arney. Appellants respectfully submit that

Arney captures a preview image, which can subsequently be either stored or cleared. See col.

5, line 55 – col. 6, line 8 of Arney.

Arney discloses a preview display screen 10 visible to the user when the platen cover

56 is closed. Activation of a control panel 32 enables a "snapshot" image on the platen 52 to

be transferred to the preview device screen 10. A camera 34, with a lens 36, and a lightsource

38 in an image-processing system are moved with the image acquisition device 70 to render

the snapshot image. See col. 4, lines 46-60, col. 5, line 53 – col. 6, line 8, col. 6, lines 27-34

and Fig. 1A of Arney.

By teaching a preview image is to be captured and displayed, Arney teaches away

from the claimed preview pane portion that visually indicates at least one feature of an image

that would result, without actually capturing or displaying any resulting image. Thus, the

preview display screen of Arney is not analogous to the preview pane portion visibly

indicating at least one feature without the image capture device capturing the captured image

recited in claims 1 and 17.

In the Response to Arguments, the January 26, 2005 Final Office Action, at page 3

(¶1C), asserts that Arney is not relied upon for a preview pane portion visually indicating

features of a resulting image, but rather for its teaching of a framed portion of the original

image. Appellants nonetheless submit that Arney does not compensate for this deficiency in

Barrett.

Further, Appellants submit that Arney also does not teach or suggest a framed portion

of the original image, as recited in claims 3 and 19. Arney only teaches a frame image 14 to

indicate on the preview display screen 10 the relative alignment of a workpiece 60 being

displayed. Arney teaches displaying the workpiece 60 based on a scanned image from the

image processing system 30. See col. 7, lines 34-46 and Figs. 2D-2E of Arney. Thus, Arney fails to crop/frame marquee section control without capturing the image, and thus does not compensate for the deficiencies in Barrett, described above.

Further, there is no motivation to combine features related to a printing system for comparing the size of a print image of Barrett with a previewing scanner for providing a "snapshot" of Arney. The January 26, 2005 Final Office Action fails to establish a proper motivation and thus does not establish a *prima facie* case of obviousness.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations. See MPEP §706.02(j). Appellants respectfully submit that the January 26, 2005 Final Office Action does not satisfy this burden for rejection under §103 with Barrett and Arney.

In the Response to Arguments, the January 26, 2005 Final Office Action, at pages 3-4 (¶1D), also asserts that Barrett explains that the system has a processor 25 that communicates with a system controller and includes a scanner control, and discloses a preview window, and that Arney discloses a preview display screen having a frame-image portion. Appellants respectfully submit that neither reference suggests incorporation of embodiments of the other, and that therefore a person of ordinary skill in the art would lack motivation to combine their respective teachings. The assertion in the January 26, 2005 Final Office Action that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings is merely impermissible hindsight reasoning.

For at least these reasons, the combination of Barrett and Arney fails to teach, disclose or suggest all of the features of claims 1 and 17. Thus, the combination of Barrett and Arney cannot render obvious the subject matter of claims 1 and 17 under 35 U.S.C. §103(a).

Accordingly, the rejection of claims 3 and 19 under 35 U.S.C. §103(a) over Barrett in view of Arney is improper and should be reversed.

C.   **Claims 15 and 31 Would Not Have Been Obvious Over Barrett in View of Pavley**

The January 26, 2005 Final Office Action rejects claims 15 and 31 under 35 U.S.C. §103(a) over Barrett in view of Pavley. Specifically, the January 26, 2005 Final Office Action, at pages 9-10 (¶6), asserts that Barrett discloses the invention substantially as claimed, except for the specifics of an image quality mimic that visually indicates a currently selected image quality profile to be used when generating the captured image from the original image, but that Pavley makes up for the deficiencies in Barrett by disclosing a method for editing media objects in a digital imaging device including icons to indicate an image area 304 and an icon/information 306 indicating what media type is associated with the media object displayed in the image area (col. 7, lines 38-67, col. 8, lines 1-6, Figs. 4A, 6-8). In other words, the January 26, 2005 Final Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Pavley's thumbnails in Barrett's preview display screen to achieve the features of claims 15 and 31. Appellants respectfully disagree.

Claims 15, 16, 31 and 32 recite, *inter alia*, that the preview pane portion includes "an image quality profile mimic." Barrett and Pavley each fail to disclose these features. Appellants submit that Pavley does not compensate for the deficiencies of Barrett outlined above with respect to claims 1 and 17. Pavley also does not teach, disclose or suggest the additional features of the preview pane portion including an image quality profile mimic that

visually indicates a currently selected image quality profile to be used when generating the captured image from the original image, as recited in claims 15 and 31.

Pavley discloses editing media objects in a digital imaging device, such as a digital video camera (DVC) 100. See Abstract and col. 5, lines 1-9 of Pavley. Specifically, Pavley discloses a review mode screen image area 304 and an icon/information area 306 of an object cell 300 to display a small low-resolution version of the image from the DVC 100 of Pavley. See col. 7, lines 57-65 and Fig. 4A of Pavley. By rendering the image for playback, Pavley teaches away from an image quality profile mimic, as recited in claims 15 and 31, as well the a preview pane portion recited in claims 1 and 17.

Moreover, Pavley teaches combining and annotating images from different media types. See col. 7, lines 3-23 of Pavley. Hence, Pavley lacks any teaching of quality image mimic, but rather provides information on image source media and their concatenation. Thus, any permissible combination of the teachings of Barrett and Pavley fails to teach or suggest a preview pane portion as recited in claims 1 and 17.

By teaching the display of a small low-resolution version of the image, Pavley teaches away from the claimed preview pane portion that visually indicates at least one feature of an image that would result, without actually capturing or displaying any resulting image. Thus, the low resolution image of Pavley is not analogous to the an image quality profile mimic without the image capture device capturing the captured image recited in claims 1 and 17.

Further, there is no motivation to combine features related to the printing system for comparing the size of a print image of Barrett with a mode dial 202 of the digital video camera of Pavley. Moreover, the January 26, 2005 Final Office Action fails to establish a proper motivation and thus does not establish a *prima facie* case of obviousness.

In the Response to Arguments, the January 26, 2005 Final Office Action, at page 4 (¶1E), asserts that Barrett teaches an image quality icon and a preview window, and that

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Pavley teaches graphical icons that associate media type with a displayed media object and to indicate an icon selection. Appellants respectfully submit that the icons and selection options taught in Pavley have no relationship to image quality profiles, as discussed above.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations. See MPEP §706.02(j). Appellants respectfully submit that the January 26, 2005 Final Office Action does not satisfy this burden for rejection under §103 with Barrett and Pavley.

Accordingly, the rejection of claims 15 and 31 under 35 U.S.C. §103(a) as obvious over Barrett in view of Pavley is improper and should be reversed.

VIII. CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections

are in error and that claims 1-39 are in condition for allowance. For all of the above reasons,

Appellants respectfully request this Honorable Board to reverse the rejections of claims 1-39

and pass this application to issue.

Respectfully submitted,

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Filed: June 7, 2005

Attachments:
       Appendix A - Claims Appendix

APPENDIX A - CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1.   An image capture control system for an image capture device, comprising:

a controller that provides control parameters to the image capture device, the image capture device able to capture an image, from an original document that provides an original image, based on the provided control parameters, the control parameters including at least one image capture parameter;

a display device; and

a graphical user interface displayable on the display device, the graphical user interface including a preview pane portion that visually indicates at least one feature of a resulting captured image, wherein

the resulting captured image will result upon generating a captured image from the original image using the at least one image capture parameter, and

the preview pane portion visually indicates the at least one feature without the image capture device capturing the captured image.

2.   The image capture control system of claim 1, wherein the preview pane portion comprises a crop/frame marquee selection control that visually indicates a portion of the original image that will be captured as the captured image.

3.   The image capture control system of claim 2, wherein the portion of the original image indicated by the crop/frame marquee selection control is a cropped portion of the original image.

4.   The image capture control system of claim 2, wherein the portion of the original image indicated by the crop/frame marquee selection control is a framed portion of the original image.

5.   The image capture control system of claim 2, wherein

the graphical user interface further includes:

a selection portion that is usable to define dimensions of a selected

portion of the original image; and

a selection enable portion that enables the selection portion; and

dimensions of the crop/frame marquee selection control are determined based

on the dimensions defined in the selection portion.

6.   The image capture control system of claim 5, wherein

the graphical user interface further includes:

a selection portion that is usable to define dimensions of a selected

portion of the original image; and

a selection enable portion that enables the selection portion;

dimensions of the crop/frame marquee selection control are alterable; and

altering the dimensions of the crop/frame marquee selection control causes the

dimensions defined in the selection portion to be correspondingly altered.

7.   The image capture control system of claim 5, wherein:

the preview pane portion comprises a scale marquee selection control that

visually indicates scaled dimensions of the captured image;

the graphical user interface further includes:

a scale-to portion that is usable to define scale-to parameter factors that

define a relationship between dimensions of the captured image and dimensions of a selected

portion of the original image; and

a scale-to enable portion that enables the scale-to portion; and

dimensions of the scale marquee selection control are determined based on the

dimensions defined in the selection portion and the defined scale-to parameter factor.

8.   The image capture control system of claim 7, wherein

dimensions of the crop/frame marquee selection control are alterable; and

altering the dimensions of the crop/frame marquee selection control causes the

dimensions of the scale marquee selection control to be correspondingly altered.

9.   The image capture control system of claim 2, wherein the preview pane

portion comprises a scale marquee selection control that visually indicates scaled dimensions

of the captured image.

10.   The image capture control system of claim 9, wherein

the graphical user interface further includes:

a scale-to portion that is usable to define scale-to parameter factors that

define a relationship between dimensions of the captured image and dimensions of a selected

portion of the original image; and

a scale-to enable portion that enables the scale-to portion; and

when the scale-to portion is enabled, the scale marquee selection control is

linked to the crop/frame marquee selection control.

11.   The image capture control system of claim 1, wherein the preview pane

portion comprises a scale marquee selection control that visually indicates scaled dimensions

of the captured image.

12.   The image capture control system of claim 11, wherein

the graphical user interface further includes:

a fit-to dimensions portion that is usable to define dimensions to which

the captured image is to be scaled; and

a fit-to dimensions enable portion that enables the fit-to dimensions;

and

dimensions of the scale marquee selection control are determined based on the

dimensions defined in the fit-to dimensions portion.

13.   The image capture control system of claim 12, wherein

the graphical user interface further includes:

a fit-to dimensions portion that is usable to define dimensions to which

the captured image is to be scaled; and

a fit-to dimensions enable portion that enables the fit-to dimensions;

and

dimensions of the scale marquee selection control are alterable; and

altering the dimensions of the scale marquee selection control causes the

dimensions defined in the fit-to dimensions portion to be correspondingly altered.

14.   The image capture control system of claim 1, wherein the preview pane

portion comprises an image orientation mimic that visually indicates an orientation of the

captured image relative to the original image.

15.   The image capture control system of claim 1, wherein the preview pane

portion comprises an image quality profile mimic that visually indicates a currently selected

image quality profile to be used when generating the captured image from the original image.

16.   The image capture control system of claim 1, wherein the preview pane

portion comprises at least one of:

a crop/frame marquee selection control;

a scale marquee selection control;

an image orientation mimic; and

an image quality profile mimic.

17.   A graphical user interface displayable on a display device of an image capture

control system for an image capture device, the image capture device able to capture an

image, from an original document that provides an original image, based on control

parameters, the control parameters including scale parameters, the graphical user interface comprising:

a preview pane portion that visually indicates at least one feature of a resulting captured image, wherein

the resulting captured image will result upon generating a captured image from the original image using the at least one image capture parameter, and

the preview pane portion visually indicates the at least one feature without the image capture device capturing the captured image.

18.   The graphical user interface of claim 17, wherein the preview pane portion comprises a crop/frame marquee selection control that visually indicates a portion of the original image that will be captured as the captured image.

19.   The graphical user interface of claim 18, wherein the portion of the original image indicated by the crop/frame marquee selection control is a cropped portion of the original image.

20.   The graphical user interface of claim 18, wherein the portion of the original image indicated by the crop/frame marquee selection control is a framed portion of the original image.

21.   The graphical user interface of claim 18, wherein

the graphical user interface further includes:

a selection portion that is usable to define dimensions of a selected portion of the original image; and

a selection enable portion that enables the selection portion; and

dimensions of the crop/frame marquee selection control are determined based on the dimensions defined in the selection portion.

22.   The graphical user interface of claim 21, wherein

the graphical user interface further includes:

a selection portion that is usable to define dimensions of a selected portion of the original image; and

a selection enable portion that enables the selection portion;

dimensions of the crop/frame marquee selection control are alterable; and

altering the dimensions of the crop/frame marquee selection control causes the dimensions defined in the selection portion to be correspondingly altered.

23.   The graphical user interface of claim 21, wherein:

the preview pane portion comprises a scale marquee selection control that visually indicates scaled dimensions of the captured image;

the graphical user interface further includes:

a scale-to portion that is usable to define scale-to parameter factors that define a relationship between dimensions of the captured image and dimensions of a selected portion of the original image; and

a scale-to enable portion that enables the scale-to portion; and

dimensions of the scale marquee selection control are determined based on the dimensions defined in the selection portion and the defined scale-to parameter factor.

24.   The graphical user interface of claim 23, wherein

dimensions of the crop/frame marquee selection control are alterable; and

altering the dimensions of the crop/frame marquee selection control causes the dimensions of the scale marquee selection control to be correspondingly altered.

25.   The graphical user interface of claim 18, wherein the preview pane portion comprises a scale marquee selection control that visually indicates scaled dimensions of the captured image.

26.   The graphical user interface of claim 25, wherein

the graphical user interface further includes:

a scale-to portion that is usable to define scale-to parameter factors that define a relationship between dimensions of the captured image and dimensions of a selected portion of the original image; and

a scale-to enable portion that enables the scale-to portion; and

when the scale-to portion is enabled, the scale marquee selection control is linked to the crop/frame marquee selection control.

27.   The graphical user interface of claim 17, wherein the preview pane portion comprises a scale marquee selection control that visually indicates scaled dimensions of the captured image.

28.   The graphical user interface of claim 27, wherein

the graphical user interface further includes:

a fit-to dimensions portion that is usable to define dimensions to which the captured image is to be scaled; and

a fit-to dimensions enable portion that enables the fit-to dimensions; and

dimensions of the scale marquee selection control are determined based on the dimensions defined in the fit-to dimensions portion.

29.   The graphical user interface of claim 28, wherein

the graphical user interface further includes:

a fit-to dimensions portion that is usable to define dimensions to which the captured image is to be scaled; and

a fit-to dimensions enable portion that enables the fit-to dimensions; and

dimensions of the scale marquee selection control are alterable; and

altering the dimensions of the scale marquee selection control causes the dimensions defined in the fit-to dimensions portion to be correspondingly altered.

30.   The graphical user interface of claim 17, wherein the preview pane portion comprises an image orientation mimic that visually indicates an orientation of the captured image relative to the original image.

31.   The graphical user interface of claim 17, wherein the preview pane portion comprises an image quality profile mimic that visually indicates a currently selected image quality profile to be used when generating the captured image from the original image.

32.   The graphical user interface of claim 17, wherein the preview pane portion comprises at least one of:

a crop/frame marquee selection control;

a scale marquee selection control;

an image orientation mimic; and

an image quality profile mimic.

33.   A method for displaying visual cues indicating capture parameters for a captured image without generating the captured image from an original document that provides an original image, comprising:

displaying a preview pane; and

displaying within the preview pane, without the image capture device capturing the captured image an image quality profile mimic, and at least one of:

a crop/frame marquee selection control;

a scale marquee selection control; and

an image orientation mimic.

34.   The method of claim 33, wherein displaying within the preview pane the crop/frame marquee selection control comprises:

defining dimensions of a selected portion of the original image;

determining dimensions of the crop/frame marquee selection control based on the defined dimensions of the selection portion; and

displaying the crop/frame marquee selection control with the determined dimensions.

35.   The method of claim 34, wherein displaying within the preview pane the crop/frame marquee selection control further comprises:

selecting the crop/frame marquee selection control;

altering the displayed dimensions of the crop/frame marquee selection control; and

correspondingly altering the defined dimensions of the selected portion of the original image.

36.   The method of claim 34, wherein displaying within the preview pane the scale marquee selection control comprises:

defining a relationship between dimensions for the captured image and the determined dimensions of the crop/frame marquee selection control; and

displaying the scale marquee selection control based on the determined relationship and current determined dimensions of the crop/frame marquee selection control.

37.   The method of claim 36, further comprising:

selecting the crop/frame marquee selection control;

altering the displayed dimensions of the crop/frame marquee selection control; and

correspondingly altering the dimensions of the scale marquee selection control.

38.   The method of claim 33, wherein displaying within the preview pane the scale marquee selection control comprises:

defining dimensions to which the captured image is to be scaled;

determining dimensions of the scale marquee selection control based on the

defined dimensions to which the captured image is to be scaled; and

displaying the scale marquee selection control with the determined

dimensions.

39.   The method of claim 38, further comprising:

selecting the scale marquee selection control;

altering the displayed dimensions of the scale marquee selection control; and

correspondingly altering the defined dimensions to which the captured image

is to be scaled.